

**SUPREME COURT MINUTES
TUESDAY, JUNE 23, 2009
SAN FRANCISCO, CALIFORNIA**

S024046**PEOPLE v. O'MALLEY
(JAMES FRANCIS)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Nanette Winaker's representation that she anticipates filing the respondent's brief by August 30, 2009, counsel's request for an extension of time in which to file that brief is granted to August 31, 2009. After that date, no further extension is contemplated.

S029551**PEOPLE v. JOHNSON (JOE
EDWARD)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Kent Barkhurst's representation that he anticipates filing the appellant's opening brief by October 20, 2009, counsel's request for an extension of time in which to file that brief is granted to August 21, 2009. After that date, only one further extension totaling about 60 additional days is contemplated.

S052374**PEOPLE v. BROWN (STEVEN
ALLEN)**

Extension of time granted

Good cause appearing, and based upon counsel Emry J. Allen's representation that he anticipates filing the appellant's opening brief by August 4, 2009, counsel's request for an extension of time in which to file that brief is granted to August 4, 2009. After that date, no further extension is contemplated.

S093456**PEOPLE v. THOMAS (ALEX
DALE)**

Extension of time granted

Good cause appearing, and based upon counsel Robert Derham's representation that he anticipates filing the appellant's reply brief by October 1, 2009, counsel's request for an extension of time in which to file that brief is granted to August 24, 2009. After that date, only one further extension totaling about 40 additional days is contemplated.

S094890**PEOPLE v. MANIBUSAN
(JOSEPH KEKOA)**

Extension of time granted

Good cause appearing, and based upon counsel David S. Adams's representation that he anticipates filing the appellant's opening brief by June 2010, counsel's request for an extension of time in which to file that brief is granted to August 24, 2009. After that date, only five further extensions totaling about 300 additional days are contemplated.

S095076**PEOPLE v. PENUNURI
(RICHARD)**

Extension of time granted

Good cause appearing, and based upon counsel Stephen M. Lathrop's representation that he anticipates filing the appellant's opening brief by March 2, 2010, counsel's request for an extension of time in which to file that brief is granted to August 24, 2009. After that date, only three further extensions totaling about 190 additional days are contemplated.

S097558**PEOPLE v. GARTON (TODD
JESSE)**

Extension of time granted

Good cause appearing, and based upon counsel Jeffrey J. Gale's representation that he anticipates filing the appellant's opening brief by March 2010, counsel's request for an extension of time in which to file that brief is granted to August 24, 2009. After that date, only four further extensions totaling about 210 additional days are contemplated.

S113962**PEOPLE v. PARKER
(CALVIN LAMONT)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 25, 2009.

S147393**GEIER (CHRISTOPHER
ADAM) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Glen Niemy's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by July 9, 2009, counsel's request for an extension of time in which to file that document is granted to July 9, 2009. After that date, no further extension will be granted.

S165906 B204354 Second Appellate District, Div. 5 **HAWORTH (RANDAL D.) v. S.C. (OSSAKOW)**

Extension of time granted

On application of petitioners and good cause appearing, it is ordered that the time to serve and file petitioners' reply brief on the merits and response to amicus curiae briefs is hereby extended to July 28, 2009.

S171199 **EPHRIAM (KACEY) ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to July 23, 2009.

S172489 **SMITHSON ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DAVID MATTHEW SMITHSON, State Bar Number 118338, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

DAVID MATTHEW SMITHSON must make restitution as recommended by the Hearing Department of the State Bar Court in its decision filed December 1, 2008. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

DAVID MATTHEW SMITHSON must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S172490 **SCHWARTZ ON DISCIPLINE**

Recommended discipline imposed

The court orders that DAVID PAUL SCHWARTZ, State Bar Number 45914, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. DAVID PAUL SCHWARTZ is suspended from the practice of law for the first 30 days of probation;
2. DAVID PAUL SCHWARTZ must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed December 26, 2008; and
3. At the expiration of the period of probation, if DAVID PAUL SCHWARTZ has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

DAVID PAUL SCHWARTZ must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with membership fees for the years 2010, 2011, and 2012. If DAVID PAUL SCHWARTZ fails to pay any cost installment as ordered, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S172492**OSMUNDSON ON
DISCIPLINE**

Recommended discipline imposed

The court orders that ROBERT EUGENE OSMUNDSON, State Bar Number 202432, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, subject to the following conditions:

1. ROBERT EUGENE OSMUNDSON is suspended from the practice of law for a minimum of 90 days, and he will remain suspended until the following requirements are satisfied:
 - i. The State Bar Court grants a motion to terminate his suspension pursuant to rule 205 of the Rules of Procedure of the State Bar. ROBERT EUGENE OSMUNDSON must comply with the conditions of probation, if any, imposed by the State Bar Court as a condition for terminating his suspension; and
 - ii. If he remains suspended for two years or more as a result of not satisfying the preceding conditions, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)

ROBERT EUGENE OSMUNDSON must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

ROBERT EUGENE OSMUNDSON must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S172493**SPAHR ON DISCIPLINE**

Recommended discipline imposed

The court orders that CHESTERFIELD SPAHR, State Bar Number 190173, is suspended from

the practice of law in California for two years, execution of that period of suspension is stayed, subject to the following conditions:

1. CHESTERFIELD SPAHR is suspended from the practice of law for a minimum of one year, and he will remain suspended until the following requirements are satisfied:
 - i. The State Bar Court grants a motion to terminate his suspension pursuant to rule 205 of the Rules of Procedure of the State Bar. CHESTERFIELD SPAHR must comply with the conditions of probation, if any, imposed by the State Bar Court as a condition for terminating his suspension; and
 - ii. If he remains suspended for two years or more as a result of not satisfying the preceding conditions, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)

CHESTERFIELD SPAHR must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S172494

**DOUAT-MURRAY ON
DISCIPLINE**

Recommended discipline imposed

The court orders that CATHERINE DOUAT-MURRAY, State Bar Number 129134, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. CATHERINE DOUAT-MURRAY is suspended from the practice of law for the first 90 days of probation;
2. CATHERINE DOUAT-MURRAY must also comply with the other conditions of probation, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 19, 2008; and
3. At the expiration of the period of probation, if CATHERINE DOUAT-MURRAY has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

CATHERINE DOUAT-MURRAY must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

CATHERINE DOUAT-MURRAY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with membership fees for the years 2010 and 2011. If CATHERINE DOUAT-MURRAY fails to pay any cost installment as ordered, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S172496**KIM ON DISCIPLINE**

Recommended discipline imposed

The court orders that HOKYUNG KIM, State Bar Number 151373, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, subject to the following conditions:

1. HOKYUNG KIM is suspended from the practice of law for a minimum of 90 days, and he will remain suspended until the following requirements are satisfied:
 - i. He makes restitution to Nhuan Nguyen in the amount of \$4,300 plus 10 percent interest per year from April 8, 2006 (or reimburses the Client Security Fund to the extent of any payment from the fund to Nhuan Nguyen, in accordance with Business and Professions Code section 6140.5) and satisfactory proof to the State Bar's Office of Probation in Los Angeles;
 - ii. The State Bar Court grants a motion to terminate his suspension pursuant to rule 205 of the Rules of Procedure of the State Bar. HOKYUNG KIM must comply with the conditions of probation, if any, imposed by the State Bar Court as a condition for terminating his suspension; and
 - iii. If he remains suspended for two years or more as a result of not satisfying the preceding conditions, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)

HOKYUNG KIM must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

HOKYUNG KIM must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S172497**BRACKEY II ON
DISCIPLINE**

Recommended discipline imposed

The court orders that THOMAS A. BRACKEY II, State Bar Number 162279, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. THOMAS A. BRACKEY II must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 23, 2008; and
2. At the expiration of the period of probation, if THOMAS A. BRACKEY II has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

THOMAS A. BRACKEY II must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S172498

ANDERSON ON DISCIPLINE

Recommended discipline imposed: disbarred

The court orders that DARLA RAE ANDERSON, State Bar Number 107563, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

DARLA RAE ANDERSON must make restitution as recommended by the Hearing Department of the State Bar Court in its decision filed December 23, 2008. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

DARLA RAE ANDERSON must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S172499

JORDAN ON DISCIPLINE

Recommended discipline imposed: disbarred

The court orders that SUSAN JORDAN, State Bar Number 186676, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

SUSAN JORDAN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7

and as a money judgment.

S172500**GUGLIELMINO ON
DISCIPLINE**

Recommended discipline imposed

The court orders that MICHAEL JOHN GUGLIELMINO, State Bar Number 104484, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for four years subject to the following conditions:

1. MICHAEL JOHN GUGLIELMINO is suspended from the practice of law for the first 150 days of probation;
2. MICHAEL JOHN GUGLIELMINO must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed December 1, 2008; and
3. At the expiration of the period of probation, if MICHAEL JOHN GUGLIELMINO has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

MICHAEL JOHN GUGLIELMINO must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment

Fourth Appellate District, Div. 2 TRANSFER ORDERS

The following matters, now pending in the Court of Appeal, Fourth Appellate District, are transferred from Division Two to Division Three:

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| 1. | E047481 | People v. Joe Sanchez |
| 2. | E047671 | People v. Richard Dugan et al. |
| 3. | E047503 | People v. Alberto Delgadillo |
| 4. | E046725 | People v. Timothy Salazar |
| 5. | E047586 | People v. Joseph Billock |
| 6. | E047377 | People v. Harold Meeks et al. |
| 7. | E047617 | People v. Jerry Judson |
| 8. | E047279 | People v. Andrew Felix |